

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Case No. MD-04-1142

4 **GERALD WAYNE ROUNSBORG, M.D.**

5 Holder of License No. 8162
6 For the Practice of Allopathic Medicine
In the State of Arizona.

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding between the Arizona Medical Board
9 ("Board") and Gerald W. Rounsberg, M.D. ("Respondent") the parties agree to the
10 following disposition of this matter.

11 1. Respondent acknowledges that he has read and understands this Consent
12 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent
13 Agreement"). Respondent acknowledges that he understands he has the right to consult
14 legal counsel regarding this matter and has done so or chooses not to do so.

15 2. Respondent understands that by entering into this Consent Agreement he
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on
17 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. Respondent acknowledges and understands that this Consent Agreement
21 will not become effective until approved by the Board and signed by its Executive Director.

22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Board has not yet
4 accepted and the Executive Director has not yet issued this Consent Agreement,
5 Respondent may not make any modifications to the document. Upon signing this Consent
6 Agreement, and returning it (or a copy thereof) to the Board's Executive Director,
7 Respondent may not revoke acceptance of the Consent Agreement. Any modifications to
8 this Consent Agreement are ineffective and void unless mutually approved by the parties.

9 6. Respondent further understands that this Consent Agreement is a public
10 record that may be publicly disseminated as a formal disciplinary action of the Board and
11 will be reported to the National Practitioner's Data Bank and will be reported on the
12 Board's web site.

13 7. If any part of the Consent Agreement is later declared void or otherwise
14 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
15 force and effect.

16 
17 Gerald W. Rounsberg, M.D.

Dated: 7/6/05

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 8162 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On September 10, 2004 the Board received a report from the National
7 Practitioner's Databank ("NPDB") that Respondent's Nebraska medical license had been
8 placed on temporary suspension. Board Staff subsequently received a copy of the
9 Petition for Disciplinary Action and Temporary Suspension of Medical License filed by the
10 State of Nebraska ("Petition").

11 4. According to the Petition, in May 2004 another physician in Respondent's
12 practice reported observing Respondent making mistakes and having short term memory
13 problems in April or May of 2003 and that during the following six months, Respondent's
14 short term memory worsened. The Petition also noted that a medical technologist
15 reported that when Respondent was called in to read images on a trauma case after
16 hours, Respondent had been drinking and that a physician colleague reported smelling
17 alcohol on Respondent's breath when he presented to work in the morning.

18 5. The Petition states that Respondent voluntarily underwent an evaluation at
19 Rush Behavioral Health in Chicago, Illinois. On January 23, 2004 Rush advised
20 Respondent that he was impaired and not appropriate to practice medicine with the
21 requisite competency, safety and skill and that his continued use of alcohol rendered him
22 an imminent risk to the public safety. The Petition alleged that Respondent's conduct
23 constituted habitual intoxication or dependence upon alcohol. No final action has been
24 taken against Respondent's Nebraska medical license.
25

6. Respondent admits the acts described above constitute unprofessional conduct pursuant to A.R.S. § § 32-1401(27)(f)("[h]abitual intemperance in the use of alcohol or habitual substance abuse") and 32-1401(27)(q)("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or public.")

CONCLUSIONS OF LAW

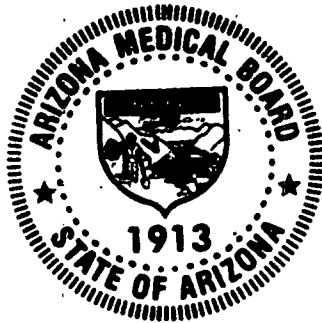
1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT License Number 8162, issued to Gerald Wayne Rounsberg, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered and that Gerald Wayne Rounsberg, M.D. immediately return his wallet card and certificate of licensure to the Board.

DATED AND EFFECTIVE this 12 day of August, 2005.



ARIZONA MEDICAL BOARD

By Timothy C. Miller
TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this
12th day of August, 2005 with:

**The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258**

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 12th day of August, 2005 to:

3 Gerald W. Rounsberg
4 Address of Record

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